UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

NO. 81-2781

UNITED STATES OF AMERICA

v.

PETER MARTELL, a/k/a Peter Raia, Appellant

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
Crim. No. 81-129

Submitted under Third Circuit Rule 12(6)
June 7, 1982

Before: ADAMS and WEIS, Circuit Judges, and
BLOCH, District Judge*

JUDGMENT ORDER

After considering all contentions raised by appellant, namely, that (1) the government failed to establish the essential elements of knowledge, possession in the Eastern District of Pennsylvania, value and theft; (2) the court improperly admitted evidence of other offenses; (3) the court improperly refused the defendant's request to charge the jury; and (4) the government failed to establish a conspiracy, it is

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*Hon. Alan N. Bloch, United States District Court for the Western District of Pennsylvania, sitting by designation.

ADJUDGED AND ORDERED that the judgment of the district court be and is hereby affirmed.

BY THE COURT:

/s/ Arlin M. Adams
Circuit Judge

ATTEST:

/s/ Sally Mrvos
Sally Mrvos, Clerk

Dated: June 17, 1982

APPENDIX "A"

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA V.
PETER MARTELL, a/k/a Peter Raia Docket #81-00129

JUDGMENT AND PROBATION/COMMITMENT ORDER

Counsel: Government: Quentin Z. Brooks
Defendant: F. Emmett Fitzpatrick

appeared on September 24, 1981

Plea: Not Guilty

Finding and Judgment: Guilty.
Defendant has been convicted as charged of the offenses of conspiracy, possession of property stolen from interstate shipment; transportation of goods stolen from an interstate shipment; aiding and abetting all in violation of 18 USC Sections 371, 659, 2314 and 2.

Sentence: Five years on Count 1.
On Count 2, the defendant is sentenced to a term of probation of Five years which shall run consecutive to the sentence imposed on Count 1, and shall be under close supervision.

Special Conditions: The execution of the sentence of imprisonment is stayed pending the filing of an appeal or until October 5, 1981, at noon.

/s/ LOUIS H. POLLAK September 25, 1981

APPENDIX "B"